

HOUSE BILL 491

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to enforcement of federal immigration and
customs laws in the state of Tennessee.

WHEREAS, Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g),
as amended by the Homeland Security Act, Public Law 107-296, authorizes the Secretary of
Homeland Security to enter into written agreements with a state or any political division of a
state so that qualified officers can perform certain immigration enforcement functions; and

WHEREAS, the federal government has authorized funding for training state law
enforcement officers concerning the enforcement of federal immigration laws; and

WHEREAS, such immigration law training would assist in protection of not only the
United States in general, but in particular, would protect citizens of the state of Tennessee; now,
therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by
adding the following language as a new section thereto:

Section 4-3-2015.

(a) The commissioner of safety shall negotiate the terms of a memorandum of
understanding between the state of Tennessee and the United States Department of
Homeland Security concerning the enforcement of federal immigration laws, detention
and removals, and investigations in the state of Tennessee.

(b) Such memorandum of understanding shall be signed on behalf of the state of
Tennessee by the commissioner of safety and the governor or as otherwise required by
the appropriate federal agency.

(c) The commissioner of safety shall designate that appropriate employees of the Tennessee highway patrol be trained pursuant to such memorandum of understanding.

(d) Funding for such training shall be provided pursuant to the Homeland Security Appropriation Act of 2006, Public Law 109-90, or subsequent federal funding sources.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 7, Part 1, is amended by adding the following language as a new section:

Section 4-7-121.

Highway patrol officers certified as trained in accordance with a memorandum of understanding between the state of Tennessee and the United States Department of Homeland Security pursuant to § 4-3-2015 are authorized to enforce federal immigration laws while performing within the scope of their authorized duties as state highway patrol officers.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.